

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

UNITED STATES OF AMERICA

v.

KYLE FASOLD

No. 3:20-cr-193 (MPS)

ORDER FOR COMPETENCY HEARING, EXAMINATION, AND REPORT

The Court has reviewed the motion for competency evaluation of Kyle Fasold, currently detained at Columbia Regional Care Center in Columbia, South Carolina, pending trial on charges of producing child pornography and distribution of child pornography. ECF No. 41. The motion was filed by counsel for Mr. Fasold, and is not opposed by the Government, as stated on the record during a telephonic status conference held on May 4, 2021 and a follow-up conference held on May 10, 2021. Having considered the remarks of counsel during the two status conferences, the Court GRANTS the motion for competency hearing pursuant to 18 U.S.C. § 4241(a) and orders that a psychiatric or psychological examination be conducted and that a report be filed with the Court, pursuant to 18 U.S.C. § 4241(b). In accordance with 18 U.S.C. § 4247(b), the “psychiatric or psychological examination ... shall be conducted by a licensed or certified psychiatrist or psychologist ... designated by the court ... [and] shall be conducted in the suitable facility closest to the court” After consulting with the United States Marshal and both counsel concerning qualified Bureau of Prisons facilities in the eastern portion of the United States, the Court designates appropriate and qualified personnel at FMC Butner, located in Butner, North Carolina to perform the psychiatric or psychological examination. FMC Butner appears to be the “suitable facility closest to the court,” 18 U.S.C. § 4247(b), that is qualified to

conduct the competency examination. FMC Butner is also more conveniently located with respect to Mr. Fasold's current location than other FMCs in the eastern United States.

The report of psychiatric or psychological examination shall be prepared in accordance with 18 U.S.C. § 4247(c) and shall include the contents listed in that subsection. Once the report is complete, it shall be filed on the docket under seal and copies shall be provided to defense counsel and the Assistant United States Attorney. The Court will then schedule a competency hearing in accordance with 18 U.S.C. § 4247(d), during which Mr. Fasold shall be afforded an opportunity to testify, to present evidence, to subpoena witnesses, and to confront and cross-examine witnesses who appear at the hearing.

It is so ordered.

ENTERED at Hartford, Connecticut, this 10th day of May, 2021.

/s/
Michael P. Shea
United States District Judge